# Sexual Assault CP

#### CP: Juries in the US Criminal Justice System will be granted the right to nullify except in cases surrounding sexual assault or intimate partner violence.

The counterplan is mutually exclusive: cannot sever from the entirety of the 1AC advocacy and any attempt to perm is severance

#### Advantage One is Rape Culture

Granting nullification to juries in cases of sexual assault allows the jury to inject their own personal beliefs that have been tainted with rape culture and bias. It also allows for jurors to derail a trial because they have a tendency to believe the accused. Paul Elam, a men’s rights activist, demonstrates this in *A Voice for Men:*

Paul Elam. Jury Duty at a Rape Trial? Acquit! A Voice for Men. July 20 2010. http://www.avoiceformen.com/mens-rights/false-rape-culture/jury-duty-at-a-rape-trial-acquit/ CM

With this important subject in mind, I make the following pledge as an activist, and as an American that believes fully in the rule of law. **Should I be called to sit on a jury for a rape trial, I vow publicly to vote not guilty, even in the face of overwhelming evidence that the charges are true.** And **I look forward to the opportunity to do so** for very good reason. Since the judicial system is patently untrustworthy when it comes to the offense of rape, any guilty vote is simply an enabling capitulation to systemic legal corruption. **In this**, the **age of misandry**, not one aspect of a rape case can be trusted. **The accuser cannot be trusted**. The police that take statements, gather evidence and make arrests cannot be trusted. The prosecutor trying the case cannot be trusted. The judge cannot be trusted. With rape shield laws and their trampling of every defendants right to a fair trial, the law itself cannot be trusted. Indeed, even **your fellow jurors**, who can be assumed to be **living unconsciously in the misandric matrix, and prepared to condemn men on accusation alone, cannot be trusted.** We have seen it over and over again. **Women lie about being raped, judicial politicians make careers off of putting away sexual offenders, and a brainwashed public cheers it all on. That so many of the men caught up in this are innocent doesn’t stop the** grinding wheels of all this **injustice** for even a moment. A year ago I wrote a piece for Men’s News Daily on the [False Accusation](http://web.archive.org/web/20120318072131/http://mensnewsdaily.com/2009/08/09/accusations-unlimited/) industry. It isn’t just an occasional news story about some college boys getting on the wrong side of some lying hookers pointing finger, it is a silent epidemic that has stained the legal system and destroyed any credibility that would normally be afforded to judicial process. If the system is rigged, *then the outcome must be assumed to be tainted*.∂ **Voting not guilty on any charge of rape is the only way to remain faithful to the concept of presumed innocence.** And any participation in the system as it stands, other than with the intent to undermine it as much as possible, is taking part in the destruction of that sacred presumption.∂ **If you are sitting on a jury hearing a case of rape, the only way to serve justice is to acquit.**∂ **Better a rapist would walk the streets than a system that merely mocks justice enslave another innocent man**. And better a system that cannot be trusted as it is, be corrected from within by a single honest citizen in the name of real justice.

Even in the absence of biased “activists” like Elam, juries are prejudiced against survivors of sexual assault. The current system encourages the scrutinization of survivor’s private lives in hopes of finding a reason to claim they deserved it. The prevalent myths surrounding rape culture heavily influence the ways jurors view trials of sexual assault. Rosenthal:

Robert Rosenthal. Jurors in Rape Cases: Putting the Complainant on Trial. National Register of Health Service Psychologists. <http://www.e-psychologist.org/index.iml?mdl=exam/show_article.mdl&Material_ID=72>. Robert Rosenthal is a third year student in the Psy.D. program at the Graduate School of Professional Psychology at the University of Denver. He received his Bachelor of Arts in English Literature at Princeton University and has previously worked as a teacher and in the entertainment industry. CM.

In addition to race and gender, societal **myths about rape** appear to exert a major **influence** on **jurors**. The authors of “Rape Trauma Experts in the Courtroom” note that **the** general **public often does not believe** the stories of alleged **rape victims** (Boeschen, Sales & Koss, 1998, p. 415). However, while research with polygraph tests indicates that many complainants do indeed have inconsistencies in their stories, it appears that these tests are an unreliable tool to use with those who have experienced the trauma of a sexual assault. Studies which did not use polygraph tests “have found that only 2-4% of victims falsely allege that rape has occurred, which is the same estimate of false allegations for other crimes (Katz & Mazur, 1979)” (Boeschen, Sales & Koss, 1998, p.415). Considering that **complainants are often blamed and put on trial more than the alleged rapist,** **complainants are more likely to underreport rape than would victims of other crimes**, with “**only 16% of rape victims [report**ing] **to the police**” (Boeschen, Sales & Koss, 1998, p. 415). Yet, despite the low percentage of reporting, many individuals continue to believe that complainants have an ulterior motive for alleging rape. **In one study, more than half the participants “endorsed the notion that most reported rapes are false accusations intended for revenge** or cover-up,” further supporting the notion that rape victims are viewed as culpable (Olsen-Fulero & Fulero, 1997, p. 406). Several authors describe fictions that the **general public believes** about defendants and complainants. Aviva Orenstein (1998) describes the **falsehoods such as: “‘nice’** (well educated, middle class, employed) **men do not rape; only men who cannot secure normal consensual sex resort to rape;” rapists are likely to be armed lunatics who have never met their victims** (p.668). Orenstein also details the myth that **complainants “are either sexually confused, vindictive, or trying to cover up some indiscretion** [and therefore] have a strong incentive to lie about rape” (p. 669). Moreover, she writes of the mistaken beliefs that women are in such control of their sexuality that they must be active participants in sex, and that **women who drink or use drugs are positioning themselves for sex**ual acts. Regarding socially accepted myths about complainants, Andrew Taslitz (1999) lists four kinds that can discredit the story of the alleged rape victim. To begin with**, society appears to endorse the figure of the silent woman.** Thus, **if a woman is too loud in her behavior, she deserves any and all consequences**; **if a woman speaks out after an assault, she has also broken the code of silence,** and is worthy of suspicion. Secondly, **society believes rapists are bullies, and a man who does not behave in an aggressive manner across all situations could never be guilty of sexual assault.** Thirdly, **this culture believes only men of color can rape**, which means that white men are necessarily innocent of such a crime. **Finally, society often sees “rape as seduction,” in which “no” means “yes,” and the woman secretly wants to be dominated** (Taslitz, 1999, p. 33).